

**H. R. 721.**

[Report No. 26.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 16, 1849.

Read twice, and committed to the Committee of the Whole House on state of the Union.

Mr. T. BUTLER KING, from the Committee on Naval Affairs, reported the following bill:

**A BILL**

To make compensation for the transportation of troops and supplies, for a limited time, over the isthmus of Panama, and to promote the interests of American commerce.

1 *Be it enacted by the Senate and House of Repre-*  
2 *sentatives of the United States of America in Congress*  
3 *assembled,* That the Secretary of the Navy be, and he  
4 hereby is, authorized and directed to enter into a contract,  
5 on behalf of the government of the United States, with  
6 William H. Aspinwall, John L. Stephens, Henry Chaun-  
7 cey, and their associates, or their assigns, being citizens of  
8 the United States, which shall contain the following con-  
9 ditions and stipulations, to wit:

10 1st. The said William H. Aspinwall, John L. Ste-  
11 phens, Henry Chauncey, and their associates, or their as-  
12 signs, being citizens of the United States, shall, within one  
13 year from the passage of this act, commence, and within  
14 three years complete, an iron railroad across the isthmus  
15 of Panama, from the Atlantic to the Pacific ocean; the  
16 rails of which shall weigh not less than eighty pounds  
17 to the yard in length.

18 2d. They shall transport by steam, on said road,  
19 across the said isthmus, for a period of twenty years, free  
20 of cost, or charge, the mails, all persons in the employ or  
21 service of the United States, with their proper or personal  
22 baggage, and all supplies and freight of every description  
23 belonging to the government of the United States.

24 3d. The tolls to be charged on goods, wares, and  
25 merchandise, which may be transported over said road,  
26 from one ocean to the other, belonging to American citi-  
27 zens, or which may be conveyed to the harbors or depots  
28 of said railroad in registered or enrolled vessels of  
29 the United States, shall not exceed five dollars per ton in  
30 weight or measurement; and not more than five dollars  
31 fare shall be charged to any American citizen; or to any  
32 other person who may arrive in vessels of the United  
33 States, for passing over said road.

34 4th. They shall erect at their own cost, and keep in

35 good repair during the continuance of the said contract, a  
36 fire proof warehouse at each end of the road adjoining to  
37 a suitable wharf for the use of the government.

38 5th. All freight which may arrive in registered  
39 or enrolled vessels, belonging to the United States, shall be  
40 transported over the said road, if required, in the order or  
41 according to the time of its arrival; and all citizens of the  
42 United States, and other persons who may arrive in ves-  
43 sels as above described, at the depots, shall be conveyed  
44 over said road, if they shall so desire, in the order, or ac-  
45 cording to the time of their arrival; nor shall passengers  
46 or freight arriving in vessels of other nations, at any time,  
47 have precedence or preference over passengers or freight  
48 of such vessels from the United States arriving at the  
49 same or an earlier hour.

50 6th. The said contract shall continue in force for  
51 twenty years from the completion of said railroad, during  
52 which time the government of the United States shall pay  
53 to the said William H. Aspinwall, John L. Stephens,  
54 Henry Chauncey, and their associates, or their assigns,  
55 being citizens of the United States, two hundred and fifty  
56 thousand dollars per annum, in consideration of the ser-  
57 vices to be performed by, and the restrictions imposed  
58 on them: *Provided*, Congress may at its first session  
59 after the said railroad shall have been completed and in

60 operation ten years, rescind the said contract by joint  
61 resolution, otherwise it shall continue in force.

62 7th. At least three-fourths of the stock of said road  
63 shall, at all times, be owned by citizens of the United  
64 States, and the office of the said company, and place of  
65 meeting of the stockholders and directors, shall be in some  
66 seaport town of the United States.

67 8th. A violation of, or a neglect to comply with, any  
68 of the conditions, or stipulations, herein required to be  
69 placed in said contract, shall forfeit the sum directed an-  
70 nually to be paid to the parties herein named, or their as-  
71 signs, being citizens of the United States.